



U.S. Department of Justice

United States Attorney
Eastern District of New York

JJD/RAT
F. #2015R00098

610 Federal Plaza
Central Islip, New York 11722

July 15, 2015

By ECF

Peter Brill, Esq.
Joseph Ferrante, Esq.
Gary Villanueva, Esq.

Re: United States v. Cerna et al.
Criminal Docket No.: 15-087 (S-1)(JFB)

Dear Counsel:

Pursuant to our on-going discovery obligations under Rule 16, please be advised that the following discs, labeled Discs #1 through #7, have been provided to First Choice Copy Center. These materials are subject to the May 13, 2015 protective order signed by United States District Judge Joseph F. Bianco, a copy of which is attached hereto. If you wish to obtain copies of the discovery materials contained on these discs, please contact Joseph Meisner at First Choice Copy, (718) 381-1480. The print order number is 80097 and consists of the following discs:

1. A disc with a video recording of the September 11, 2011 shooting of John Doe #2 ("Disc-1").
2. A disc with a copy of the May 8, 2015 discovery letter that was provided to the defendant Sergio Cerna and attached documents that were Bates-numbered 1-473 ("Disc-2").
3. A disc with the following documents related to the Enston Ceron and Ricardo Ceron murders and John Doe #3 attempted murder ("Disc-3"): (a) autopsy reports and photographs from the Suffolk County Medical Examiner's Office ("SCMEO") for Enston Ceron and Ricardo Ceron; (b) Suffolk County Police Department ("SCPD") property invoice forms; (c) Suffolk County Crime Laboratory ("SCCL") reports, notes and receipts; and (d) a photograph line-up identification of defendant Cerna by John Doe #3.¹

¹ A number of these documents have been redacted to remove personal identification information for victims and/or witnesses.

4. A disc containing crime scene photographs related to the Ceron murders and John Doe #3 attempted murder ("Disc-4").²
5. A disc with the following documents related to the Sotomayor murder ("Disc #5"): (a) an autopsy report and photographs from the SCMEQ; (b) SCPD evidence recovery sheets and property invoices; and (c) SCPD photograph array reports, including photograph line-up identifications of defendant Acosta-Martinez.³
6. A disc containing crime scene photographs related to the Sotomayor murder ("Disk-6").⁴
7. A disc with: (a) SCCL ballistics reports, notes and photographs relating to: (i) the September 11, 2011 attempted murder of John Doe #2; (ii) the October 23, 2011 shootings; (iii) the Sotomayor murder; and (iv) the Ceron murders and John Doe #3 attempted murder; and (b) curriculum vitae for Forensic Scientists Charles S. Hopkins and Roy Sineo of the Suffolk County Crime Laboratory ("Disc-7").

Additionally, pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the government notifies you that Forensic Scientists Hopkins and/or Sineo will testify regarding analysis performed on bullets, cartridges and/or expended casings recovered in connection with the September 11, 2011 attempted murder of John Doe #2, the October 23, 2011 shootings, the Sotomayor murder, and the Ceron murders and John Doe #3 attempted murder, as well as a 9mm semi-automatic handgun (the "9mm caliber handgun") recovered during the arrest of MS-13 member Hector Torres on January 20, 2012. In sum and substance, the government anticipates that Forensic Scientist Hopkins and/or Forensic Scientist Sineo will testify that: (a) .22 caliber casings recovered from the October 23, 2011 shootings, Sotomayor murder and Ceron murders were fired from the same .22 caliber handgun; and (b) 9mm bullets and casings from the September 11, 2011, Sotomayor murder and Ceron murders and John Doe #3 attempted murder were fired from the same gun, the 9mm semi-automatic handgun recovered from Torres on January 20, 2012. Copies of reports, notes and photographs prepared by Forensic Scientists Hopkins and Sineo are included on Disc-7.

² Several of the crime scene photographs have been redacted to remove a vehicle's license plate number.

³ A number of these documents have been redacted to remove personal identification information for victims and/or witnesses.

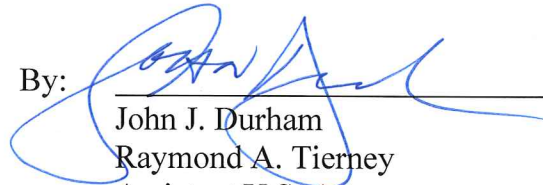
⁴ Several of the crime scene photographs have been redacted to remove a vehicle's license plate number.

The government renews its request for reciprocal discovery.

Very truly yours,

KELLY T. CURRIE
Acting United States Attorney

By:



John J. Durham
Raymond A. Tierney
Assistant U.S. Attorneys
(631) 715-7851/7849

Attachments

Protective Order

Discs #1-#7

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IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 13 2015 ★

LONG ISLAND OFFICE

JJD:RAT
F.#2015R00098

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

O R D E R

- against -

15-CR-087 (JFB)

SERGIO CERNA,
also known as "Taz" and
"Lechon,"

Defendant.

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Upon the application of KELLY T. CURRIE, Acting United States Attorney for the Eastern District of New York, by Assistant United States Attorneys JOHN J. DURHAM and RAYMOND A. TIERNEY, it is hereby:

ORDERED that the defendant, counsel for the defendant, or anyone acting under the direction of defense counsel, may not reproduce, distribute or otherwise disseminate the Rule 16 Materials, which have been and will be provided in connection with the case;

ORDERED that nothing in this Order shall prohibit: (a) defense counsel from reproducing and sharing the Rule 16 Materials with the defendant or others acting under the direction of defense counsel; or (b) defense counsel, or others acting under the direction of defense counsel, from displaying or discussing the content of such Rule 16 Materials, with other persons; provided however, that

the restrictions set forth in this Order shall apply to those individuals acting under the direction of defense counsel; and

ORDERED that any copies of the Rule 16 Materials provided by defense counsel to the defendant at the Nassau County Correctional Center, or any other facility, shall be returned to defense counsel and either returned to the government or destroyed at the conclusion of the case.

Dated: Central Islip, New York
May 13, 2015

THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK